

FORM TO BE USED BY A PRISONER IN
FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO

Harold Dent
(Enter above the full name of the plaintiff in this action)

vs.

A. Battle

(Enter above the full name of the defendant(s) in this action)

CIVIL CASE NO. **1:07CV1075**

JUDGE

JUDGE OLIVER

COMPLAINT

MAG. JUDGE VECCHIARELLI

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES ☐ NO ☒
- B. If your answer to A is yes, describe the lawsuit in the space below, (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county)

3. Docket Number _____

4. Name of judge to whom case was assigned _____

-2-

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

II. Place of Present Confinement Mansfield Correctional Institution

A. Is there a prisoner grievance procedure in this institution? YES ☒ NO ☐

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
YES ☒ NO ☐

C. If your answer is YES,

1. What steps did you take? 1. Informal Complaint, 2. Grievance
Procedure, 3. Grievance Appeal.

2. What was the result? In January 2007, it was determined by the use
of force committee that officer Battle did use excessive force.
The report is now before the Warden for disciplinary action.

D. If your answer is NO, explain why not _____

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?

YES ☐ NO ☐

F. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

- 3 -

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of the Plaintiff Harold Dent

Address P.O. Box 788 Mansfield, Ohio. 44901.

(In item B below, place the full name of the defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Use item C for the names, positions and places of employment of any additional defendants).

B. Defendant A. Battle is employed as

correctional officer at Mansfield Corr. Institution (Man.C.I.)

C. Additional Defendants _____

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separated paragraph. Use as much space as you need. (Attach extra sheet(s) if necessary).

On November 15, 2006 in the southside dinning room where I work, cleaning
tables, Officer Battle also works in the south-side dinning room.

I walked over to Defendant Battle to bring to his attention that by him
leaning on the rail that his behind was over the table where inmates were
eating.

I asked Defendant Battle could he move down a little so the inmates could
finish their meal. Defendant Battle then stated for me too get the fuck
away from him. I stated, he didn't have to disrespect me that way.

- 4 -

(continued)
(Statement of Claim Continued)

1). As I turned to walk away Defendant Battle grabbed hold of me from behind by the neck and put me in a choke hold.

2). Lieutenant Minard, who is the Supervisor in the southside dinning room ordered Defendant Battle to release me. Defendant Battle ignored L.T. Minard's order and continued choking me.

3). Again Lieutenant Minard gave Defendant Battle an order to release me. Defendant Battle "again disobeyed " the direct order of his superior officer. Then, two other correctional officers who work in the southside dinning room came and literally tried to remove Defendant Battle's arms from around my neck.

4). L.T. Minard gave another direct order for the Defendant Battle to release. At this point I was freed. L.T. Minard than told Defendant Battle that he was relieved of his duties.

5). Subsequently I was escorted to the infirmary where medical staff examined me. I was informed by the medical staff that my heart beat was irregular and my blood pressure was extremely high and that I had to remain in the infirmary over night for constant monitoring.

6). On November 16, 2006 after I left the infirmary I was taken to segregation. On November 21, 2006 I received a copy of the disciplinary action report written by the Defendant, which he had falsify an attempt to justify his use of force.

(continued)
(Statement of Claim Continued)

7). On November 22, 2006 (R.I.B.), Rule Infraction Board found me not guilty of the disciplinary report. On November 27, 2006 the Wardens' Admininstration Review Comitee, review of (R.I.B.), findings and affirm R.I.B.'s decision of not guilty. By these actions the Defendant violated my rights.

- 5 -

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes).

I, the Plaintiff demand relief to which I am entitled compensatory and
punitive damages, in the sum of \$175,000.00.

Signed this 2 day of April, 20 07.

I declare under penalty of perjury that the foregoing is true and correct.

4-2-07
(Date)

David Kent
(Signature of Plaintiff)

Informal Complaint Resolution

Institution:

Man. C. I.

Top section to be completed by inmate, within 14 days of incident.

Inmate will forward the White & Canary copies to the supervisor of the staff person or department most responsible for complaint; Forward Pink copy to the Inspector; and keep the Goldenrod copy.

Submitted To: Captain Hale		Date Submitted: 11-23-06
Inmate's Name: Harold Dent	Number: 423-804	Housing Assignment: 3-C/223

Complaint Regarding: Unauthorized use of force/inappropriate supervision.

On November 22, 2006 the R.I.B. determined that a conduct report written by C/O Battle was inaccurate. (See attached). This conduct report was written knowing to be false and misleading, and in an attempt to justify his use of force, which was unnecessary and uncalled for.

This officer has on several occasions attempted to "Bait" me into situations and positions to justify his subsequent actions. Having failed to do so, this officer then simply assaulted me without justification and or provocation and attempted to hide this fact by writing a bogus conduct report.

Appropriate action should be taken against this officer immediately and forcefully to demonstrate this kind of conduct will not be tolerated.

Lower Section to be completed by the supervisor of the staff person or department most responsible for complaint.
Return Canary copy to inmate within 7 calendar days. Send White copy to the Inspector.

Action Taken (Cite appropriate policy, procedure or regulation in response):

I Capt E Hale talk with Lt Coleman and he told me that you were found not guilty of the Conduct Report, and it will go to a H&B. by Forens. Path.

Staff Member's Signature and Title: <i>Capt E Hale</i>	Date: <i>12-4-06</i>
---	-------------------------

Complaints not resolved may be addressed in accordance with 5120-9-31.



DISPOSITION OF GRIEVANCE

GRIEVANCE CODE: VB2

RESOLUTION CODE: B1

INMATE: HAROLD DENT

INSTITUTION: ManCI

NUMBER: A423804

GRIEVANCE NUMBER: 12-06-017

DATE: 12/19/2006

☐ The disposition of this grievance will be delayed longer than 14 calendar days for the following reason(s):

☒ Your grievance, filed on 12/18/2006, has been reviewed and disposed of as follows:
date

In this grievance you state that you were wiping tables in the south dining room on November 15, 2006 when you noticed that C/O Battle was leaning against the rail and his behind was over a table where inmates were eating. You state that you asked C/O Battle to move down a little. You state C/O Battle told you to get the "fuck" away from him. You state you told him he didn't have to disrespect you that way and walked away. You state C/O Battle grabbed you from behind and put you in a choke hold. You state Lt. Minard told C/O Battle to release you but he ignored the Lt. and continued to choke you. You state that two other C/Os pried C/O Battle's arm from around your neck to free you. You state that you were checked by medical staff and given an EKG. You state you were kept in the infirmary for observation because your blood pressure was elevated. You state that RIB found you not guilty of the conduct report you received as a result of this incident. You state that C/O Battle violated ARs 5120-9-01, 5120-9-02 and use of force policies. You are requesting disciplinary and criminal charges against C/O Battle. You are requesting immediate medical attention for your injuries.

To investigate this grievance I reviewed the incident reports, your medical exam of 11-15-06, ARs 5120-9-01, 02, and 03.

You were involved in an incident with C/O Battle on 11-15-06. You received a conduct report and RIB found you not guilty.

Use of force reporting procedures were followed pursuant to AR 5120-9-02. You were medically examined and given the opportunity to write a statement. C/O Battle completed an incident report.

A Use of Force committee has been assigned to investigate this incident. The committee shall review all materials in the packet, interview the inmates and staff directly involved, and review any other evidence that it considers relevant. The committee shall prepare a report, statement summaries, the use of force packet, and any other information received by the committee and forward it to the Warden.


Mrs. Rowe, Use of Force Chair, informed me this case is still being investigated. She will forward the committee's report to Warden Hudson upon completion.

Warden Hudson will review the case and take the action he determines to be appropriate pursuant to AR 5120-9-02 (I).

The 11-15-06 medical examination did not indicate you received any injury. You remained in the infirmary overnight due to a concern about your blood pressure. The infirmary received your request for health care services from due to neck pain on 12-14-06. You were seen 12-15-06 and have been referred to the doctor.

This grievance is denied, use of force reporting procedures were followed and the Use of Force Committee is investigating the force pursuant to AR 5120-9-02. Warden Hudson's decision and disposition after he reviews the Use of Force Committee's recommendation will not be grievable to this office pursuant to AR 5120-9-31 (L).

If you wish, you may appeal this decision to the Chief Inspector within 14 calendar days. Appeal forms are available in the office of the Inspector of Institutional Services.


Inspector of Institutional Services

DECISION OF THE CHIEF INSPECTOR

ON A GRIEVANCE APPEAL

NAME:	<u>HAROLD DENT</u>	INSTITUTION:	<u>MANCI</u>
NUMBER:	<u>423-804</u>	GRIEVANCE NUMBER(S):	<u>1206017</u>
DATE:	<u>FEBRUARY 7, 2007</u>		

The office of the Chief Inspector is in receipt of your notification of grievance, the disposition of that grievance, and your appeal to this office. A review of your appeal has been completed. The decision of the Inspector is hereby **AFFIRMED**.

In reaching this decision, I reviewed your grievance appeal, the Inspector's investigation and response regarding inappropriate actions and language of correction officer towards you in the inmate dining hall. This office cannot comment on the actions of the correction officer. However, your complaint has been investigated and the warden will decide what action he deems necessary and/or appropriate for the incident. As such, I find the Inspector has responded appropriately to your complaint.



DON A. COBLE, ASST. CHIEF INSPECTOR

cc: Inspector of Institutional Services
Warden
File